

MIFFLINBURG BOROUGH
UNION COUNTY, PENNSYLVANIA
RESOLUTION NO. 2025-29

A RESOLUTION OF THE BOROUGH OF MIFFLINBURG, UNION COUNTY, PENNSYLVANIA, ESTABLISHING AND ADOPTING A POLICY FOR THE DISTRIBUTION OF CONNECTION PERMITS UNDER STATE, FEDERAL, OR OTHER REGULATORY LIMITATIONS.

WHEREAS, the Council of Mifflinburg Borough, Union County, Pennsylvania, pursuant to Chapter 20 of the Mifflinburg Borough Code of Ordinances, as amended, is authorized to establish procedures pertaining to connection to the Sewer System.

NOW, THEREFORE, upon motion properly made, seconded, and carried, the Council of Mifflinburg Borough declares and resolves:

The Council of Mifflinburg Borough hereby establishes and adopts the following policy for the distribution of connection permits under state, federal or regulatory limitations consistent with Borough Sewer System Ordinance and this Resolution:

A. Defined Terms:

The terms defined below wherever used or referred to in this document shall have the following respective meanings unless the context clearly and specifically indicates otherwise:

- I. Applicable Tapping and Connection Fee: Shall mean the fee as set by Borough Resolution which establishes the amount paid per EDU and per Connection. This fee shall not apply to any “Existing Connection” or existing EDU(s) as defined herein.
- II. Applicant, Non-Residential: Shall mean a landowner and/or developer submitting an application for a project, the principal use of which is not designed and intended for full-time residential purposes and occupancy, including but not limited to commercial, industrial, and/or institutional uses.
- III. Applicant, Residential: Shall mean a landowner and/or developer submitting an application for a project, the principal use of which is designed and intended for full-time residential purposes and occupancy, including but not limited to single/multiple family dwellings, housing developments, planned residential developments or other similar structures and uses.
- IV. Connection: Shall mean a connection between or within a structure(s), property or developed building lot(s) and the sanitary sewer system. For purposes of this resolution only, the term “connection” shall be synonymous with the term “EDU”.
- V. EDU: Shall mean Equivalent Dwelling Unit defined as a unit of sewer service capacity provided to sanitary sewer system users for purposes of calculating tapping fees as enumerated in the current adopted Tapping Fee resolution of the Borough of Mifflinburg. For purposes of this resolution only “EDU” shall be synonymous with the term “Connection”. Any change in use, reconfiguration, or redevelopment of a parcel that increases the amount of wastewater generated, increasing the required EDU capacity of said existing connection shall be deemed a new connection(s) or EDU(s).

- VI. Existing Connection: Shall mean an approved physical connection or existing EDU capacity which has been previously allocated, purchased or otherwise permitted by the Borough and by Pa Department of Environmental Protection (PaDEP) and which generates, has the ability to generate, or has generated industrial or residential sewerage waste. Whether or not an existing connection requires a new EDU depends on several factors:
- a. Existing Connections that have been disconnected (disconnected, demolished, destroyed or abandoned) after a Moratorium can be exempt from requiring new EDU(s) for re-connection if all three (3) of the below criteria are met:
 - (1) The new source of discharge is contained in a structure on the same property as the source of discharge which it has replaced, regardless of a change in ownership.
 - (2) The new source of discharge will not generate a greater volume of wastewater flow or organic content than the source of discharge it has replaced; regardless of a change in use.
 - (3) A Request for Exception has been granted in writing from PaDEP for the reconnected use.
 - b. Existing Connections that have been disconnected prior to a Moratorium: shall be deemed a new Connection and will require new EDU(s), regardless of the capacity needed.
 - c. Existing Connections that have any increase in EDU capacity shall be deemed a new Connection and will require a new EDU(s).
- VII. Sanitary Sewer System: Shall mean all facilities, as of any particular time, for collecting, transporting, pumping, treating and disposing of sanitary or industrial sewage waste in or outside of the Borough of Mifflinburg. The term shall also include similar facilities owned and operated by any parties outside of the Borough and connected to Mifflinburg's sewage system.
- VIII. Permanently Eliminated: An existing sewer infrastructure using EDU(s) which has been fully removed or demolished in such a manner that any potential for reconnection is eliminated.

B. Connection Transfers

- I. Parcels with multiple authorized EDUs may reallocate EDUs within the same parcel if the existing sewer infrastructure using the EDU(s) is Permanently Eliminated. The previous connection must be fully removed/demolished prior to the new connection being made. Prior to the transfer of an EDU, Applicants shall first make a written request to the Borough for approval of the connection transfer.
- II. Mobile Home parks may transfer EDUs within the parcel from previously occupied manufactured housing sites (pads) to newly occupied pads such that the total allotted EDUs for the parcel is not exceeded. Prior to the transfer of an EDU, Owners shall first make written request to the Borough for approval.
- III. EDUs cannot be transferred across separate parcels regardless of common ownership.
- IV. EDUs from different parcels cannot be sold, returned, or eliminated and 'credited' back to the system and transferred to a different parcel even if those parcels are adjacent or share common owners.

C. Conditions for Making Sewer Connections During a Moratorium

- I. In the event the Borough of Mifflinburg is limited or disallowed to permit additional connections (EDUs) by a State or Federal Regulatory Agency, or other condition bound by public laws or order ("Moratorium"), the Borough shall implement a limited connection plan to regulate and allocate proposed sewer connections.

- II. As connection (EDU) permits become available through the actions of the Borough or other agencies, the Borough shall advertise in a newspaper of local distribution that connections are available and interested parties shall apply in writing within 30 days of the date of publication.
- III. The Borough of Mifflinburg will establish a list of all applicants who have submitted applications for the distribution of available connection permits pursuant to the public notification. Applications shall be ranked using the following scale and EDUs will be awarded to highest ranked applications.

Factors to determine project readiness	Points
EDU request is for redevelopment of existing property or building **	5
EDU request is for new construction	3
EDU request has active building permit at the CK COG	5
EDU request has been designed but does not have an active building permit on file at the CK COG	3
EDU request is for a project that has not been designed or permitted	1
EDU request can be connected within 45 days	5
EDU request can be connected within 120 days	3
EDU request can be connected within 180 days	1
EDU request is located within the Borough Corporate boundaries	5
EDU request is located in the Existing Sanitary Sewer Service Area	3
EDU request is located outside of the Existing Sanitary Sewer Service Area	1
EDU request is being re-submitted because they did not receive an EDU with their application during a previous round of EDU distributions	5 (for each re-submission)
EDU request is for emergency services (e.g. ambulance, fire rescue)	5

**This shall include requests for parcels previously approved under Planning modules and/or Land Development Plans.

- IV. After receipt of all applications pursuant to Paragraph C. III, the Borough will establish a distribution list, ranking applications based on the score achieved using the scale above, with the highest score indicating project readiness. Distribution will be made to the projects with the highest scores first. Any projects with the same score will be distributed by using the dates of the building permit application with the earliest dates being distributed first.
- V. Available connection permits will be offered to Applicants in writing by the Borough of Mifflinburg. Applicants will have 30 days to accept the connection permit, and attached conditions, or the connection permit will be offered to the next Applicant in the order determined under Paragraph C. IV.
- VI. The conditions for acceptance of a connection permit shall consist of the following minimum standards:
 - a. Payment of applicable Tapping and Connection Fees within 15 days of acceptance of a connection permit.
 - b. Payment of applicable sewer rentals upon occupancy of the structure. If the structure is not occupied within one year of the date of connection permit issuances, the property owner shall pay any applicable reservation of capacity charges as established by Resolution of the Mifflinburg Borough Council.

- c. If construction has not been started within 180 days of the date of connection permit issuance, then the EDU shall be revoked and the Borough shall return 80% of the Tapping Fee paid by the applicant.
- d. The Applicant may apply to Borough Council for one (1) ninety (90) day extension of the construction deadline in subparagraph C. VI (c). The ninety (90) day extension will be granted if the Applicant can demonstrate that the construction will be started within the ninety (90) day period.
- e. Borough Council may consider one (1) additional ninety (90) day extension request on a case by case basis based on the conditions presented by the applicant, or if there is a PA Declaration of Emergency in place at the time of the request.
- f. If construction is not started within the extension period, the EDU shall be revoked and the Borough shall return seventy percent (70%) of the Tapping Fee paid by the Applicant.
- g. If the building permit is revoked due to inactivity at the construction site, the EDU shall be revoked and the Borough shall return seventy percent (70%) of the Tapping Fee paid by the Applicant.

VII. Phased Projects. Applicants with larger projects requiring multiple EDUs shall only be extended a written offer if sufficient EDUs are available to fulfill the full request. Therefore, an applicant that requires multiple EDUs and is conducting a project which will be completed in phases, may submit applications for that project in phases.

VIII. Temporary Sanitation Collections.

- a. After issuance of all available EDUs, applicants who were not awarded EDUs for a project, may still proceed at the applicant's own risk using temporary sanitation collection measures (porta-potties, restroom trailers, etc.), so long as the applicant has obtained all permits required by law, until such a time that the applicant can be successful in being awarded EDUs through the application and scoring process outlined in paragraph C III.
- b. Using a combination of temporary sanitation collection measures and a permanent connection(s) is not permitted for a single project or a single phase of a project.

IX. Upon issuance of all available EDUs under the policy herein, the Borough of Mifflinburg will retain all applications that were not fulfilled in previous lottery solicitations and their score will be re-evaluated under Section C III.

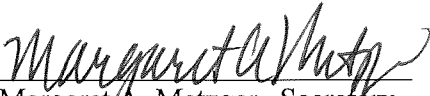
X. If any EDUs remain available after the initial distribution in accordance with Paragraphs C. I – III above, the remaining EDUs shall be distributed on a first come first serve basis.

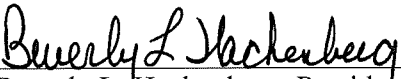
This Resolution shall become effective immediately. This Resolution shall replace all previous resolutions regarding the distribution of EDU(s) under regulatory limitations.

ADOPTED AND RESOLVED, this 18th day of November 2025, by the Council of Mifflinburg Borough, Union County, Pennsylvania, at its regular meeting.


BOROUGH OF MIFFLINBURG:

ATTEST:


Margaret A. Metzger, Secretary

By 
Beverly L. Hackenberg, President

Approved this 18th day of November 2025.


David M. Cooney, Mayor

I, Margaret A. Metzger, Secretary of the Council of the Borough of Mifflinburg, Union County, Pennsylvania, hereby certify that the foregoing is a true copy of the Borough Resolution No. 2025-29, adopted at its regular meeting on November 18, 2025.

BOROUGH OF MIFFLINBURG


Margaret A. Metzger, Secretary